

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

RMA VENTURES CALIFORNIA, a Utah
partnership,

Plaintiff,

vs.

SUNAMERICA LIFE INSURANCE
COMPANY AND MIDLAND LOAN
SERVICES, INC.,

Defendants.

MEMORANDUM DECISION AND
ORDER DENYING PLAINTIFF'S
MOTION FOR A NEW TRIAL OR
TO ALTER OR AMEND JUDGMENT

Case No. 2:03-CV-740 TS

This matter comes before the Court on Plaintiff's Motion for a New Trial.¹ For the reasons discussed below, this and several related motions will be denied.

This Court granted summary judgment on November 26, 2007.² Plaintiff's Motion for a New Trial was filed on December 10, 2007, the same day that the clerk of this court entered judgment in favor of Defendants.³

¹Docket No. 69.

²Docket No. 68.

³Docket No. 71.

Plaintiff relies on Rule 59(a) or 59(e) of the Federal Rules of Civil Procedure as the basis for its motion. Defendants argue that Rule 59(a) does not apply as it is not an appropriate vehicle to move for reconsideration of summary judgment and that the standard under Rule 59(e) for reconsideration is not met.

“Grounds warranting a motion to reconsider include (1) an intervening change in the controlling law, (2) new evidence previously unavailable, and (3) the need to correct clear error or prevent manifest injustice.”⁴ Plaintiff does not cite any new law or evidence previously unavailable. Rather, Plaintiff rehashes arguments made in the original summary judgment filings. The Court relies upon its previous ruling and finds no clear error or manifest injustice that would warrant reconsideration. Thus, Plaintiff’s motion will be denied.

Two other motions related to Plaintiff’s motion have been filed and are now moot. It is therefore

ORDERED that Plaintiff’s Motion for New Trial (Docket No. 69) is DENIED. It is further

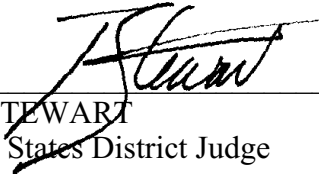
ORDERED that Plaintiff’s Motion for Extension of Time to File Response/Reply (Docket No. 74) is DENIED AS MOOT. It is further

ORDERED that Defendant’s Motion to Strike (Docket No. 76) is DENIED AS MOOT.

⁴*Servants of Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2000).

DATED January 18, 2008.

BY THE COURT:



TED STEWART
United States District Judge